DOCUMENT RESUME

ED 308 284 CE 052 525

AUTHOR Morand, Martin J.
TITLE Canada: Our Model?
PUB DATE Mar 89
NOTE 8p.; Paper presented at the Annual Joint Conference of the University and College Labor Education Association and the AFL-CIO Education Directors (Portland, OR, March 1989).
PUB TYPE Speeches/Conference Papers (150) -- Viewpoints (120)

EDRS PRICE MF01/PC01 Plus Postage.
DESCRIPTORS Adult Education; Employer Employee Relationship; *Federal Legislation; Foreign Countries; *Labor Demands; *Labor Legislation; *Political Issues; *Political Power; State Legislation; Union Members; *Unions
IDENTIFIERS *Canada

ABSTRACT

Hopes of U.S. union leaders for the movement's survival have been increasingly pinned on adoption of Canada-like labor legislation. Canadian labor legislation is in large part provincially based. This suggests that the states should legislate labor law. Highly improbable pro-union changes in labor law are needed to ensure the survival of unions. Since significant labor law reform is at least 4 years away, unions can use the time to consider carefully how the political strategy adopted by Canadian labor (building a fundamentally different political movement even at the expense of winning a particular election) can be applied in a U.S. political system where third-party genesis is almost automatically aborted. The long building process required to mobilize the strength necessary to pass legislation of institutional benefit to unions will force labor to concentrate, in the immediate future, on using its broader social goals in alliance building. The prescription is single issue politics; survival is the issue. U.S. unions do not need a third party, but they do need a political program like that of the Canadian labor movement. The strategy must consider the changing work force, which will increasingly be made up of Blacks, Hispanics, the disabled, and women. (YLB)

****
* Reproductions supplied by EDRS are the best that can be made *
* from the original document. *
****

ED308284

CANADA: OUR MODEL?

Paper Presented

to

1989 Annual Joint Conference

of

University and College Labor Education Association

and

AFL-CIO Education Directors

at

Portland, Oregon

by

Martin J. Morand, Director

Pennsylvania Center for the Study of Labor Relations

CE053525

U.S. DEPARTMENT OF EDUCATION
Office of Educational Research and Improvement
EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)

☑ This document has been reproduced as received from the person or organization originating it.

☐ Minor changes have been made to improve reproduction quality.

• Points of view or opinions stated in this document do not necessarily represent official OERI position or policy.

"PERMISSION TO REPRODUCE THIS MATERIAL HAS BEEN GRANTED BY

M Morand

TO THE EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)."

BEST COPY AVAILABLE

Membership continues to hemorrhage. The movement continues to decline. It's down to 15% according to Leo Troy. It's headed below 10% and toward 5% in the private sector according to Richard Freeman. It's almost already below 10% if we ignore the relatively recent and still very shallowly rooted public sector. Why ignore the public sector? Because the public sector has not proved that it can stand on its own and in my opinion it cannot yet do so. We've had several state worker strikes in Pennsylvania since they were legalized in 1970. None were won.

Our decline worries foreign trade unionists as much or more than it frightens us, at least if the definition of frighten implies some significant change in strategy. Canadian unions correctly conclude that the biggest danger in the trade deal is not the importing of goods and services but the transplanting of corporate and government policies regarding labor. European unionists have expressed similar concerns growing out of their experiences with US multi-nationals. Korean labor met Motorola, didn't like it, and fought back.

US union leaders' hopes for the movements survival have been increasingly pinned on our adopting Canada-like labor legislation. In the Changing Situation of Workers and their Unions, AFL-CIO's unique foray into public self-criticism, it is pointed out that, "in Canada, unlike in the United States, the government has not defaulted in its obligation to protect the rights of self-organization." Last year the AFL-CIO Executive Council invited a couple of Canadians to detail those rights. At its Toronto Convention last June, the SEIU posed as the essential issue: "how to get" comparable legislation for the US labor movement. To answer that question, to learn how the Canadians, who copied our Wagner Act a decade later, started passing us by in the sixties and today almost triple our size, requires that we look at both what they won and how they won it. Then we must determine if their model is appropriate and attainable for us.

What they have got is in large part provincially based. This suggests to Richard Freeman of Harvard that we should "turn most labor law to the states." (I cannot forego the opportunity to share with an audience of union-loyal academics other examples of advice emanating from the AFL-CIO's hired consultants from Harvard and MIT.) Freeman also suggests the formation of "a new federation of white collar and public service unions together with professional and employee associations" and "passage of a works council type national law." Tom Kochan of MIT, at the same First Industrial Relations Congress of the Americas in Quebec City last August, made a similar proposal for non-union forms of employee representation (a proposal which Steve Schlossberg properly characterized as a return to the company unionism of the twenties).

Freeman discusses other possible scenarios for change. If these don't occur, he forecasts "a rate of unionization below 5%

BEST COPY AVAILABLE

in the private sector." These changes range from more associate (non-collective bargaining) members to abolition of the NLRA.

Regarding the abolition of the NLRA I advocated that over 20 years ago as did the then southern organizing director of the Textile Workers and the the IUD director in the South. We took that position while the rest of the movement advocated no more than the tinkering of the Carter labor law proposals in order to dramatize the fact that the NLRA was not only useless but harmful. Freeman is unfortunately accurate, "labor law reform that merely restores union success in NLRB representation elections to the pattern of the 1960's, which would require highly improbable pro-union changes in labor law, will not restore or even stabilize density at current levels."

What are those highly improbable changes without which we won't survive?: Card check certification; speedy elections with rapid remedying of illegal labor practices; mandatory union security; restrictions on hiring of permanent replacements and strike breakers; first contract arbitration. All these are now found in Canada. The Canadian law which US unions need most, the reform without which all others are only exercises in frustration and futility, is that which helps in getting a contract -- the purpose for which workers unionize in the first place. Barely half of the certifications won by US unions lead to contracts. Easier routes to certification might actually reduce the rate of resultant first contracts as employers focused their resistance to unionism in stonewalling the bargaining process. Our National Labor Relations Act never prevented this. The same consultants who have become so proficient at brainwashing and intimidating workers in election campaigns could even more easily and effectively employ themselves in instructing employers in surface bargaining to prevent the reaching of meaningful labor agreements.

This is the essential reform but it faces formidable US institutional, perhaps even Constitutional, barriers. From Senator Wagner on the thrust of labor relations regulation has been the encouragement of voluntarism. Arbitration won judicial deference because it was voluntarily agreed to by the parties. (Note how George Bush favors free collective bargaining when that's what Eastern management wants!) Even the national emergency provisions of Taft-Hartley provide only for cooling off and fact-finding. It takes an Act of Congress to seize property and impose terms and conditions of employment. That the current US Supreme Court would tolerate a third party imposition of wages, hours and conditions of work is doubtful. It would require a sea change in US politics comparable to that which led in the thirties to "the switch in time which saved nine."

Short term prospects for such minimally necessary labor law reforms as would enable US unions to catch up with Canada and regain an essential critical mass are admittedly bleak. It will require far more radical reforms than those proposed in the late

70s -- radical reforms which would not have come from an administration whose vice presidential candidate voted against even the pallid proposals of the Carter administration. Since significant labor law reform is at least four years away, US unions can use the time to carefully consider how the 1960's political strategy adopted by Canadian labor (building a fundamentally different political movement even at the expense of winning a particular election) can be applied in a US political system where third party genesis is almost automatically aborted. The long building process required to mobilize the strength necessary to pass legislation of institutional benefit to unions will force labor to concentrate in the immediate future on using its broader social goals (national health insurance, minimum wages, child care) in alliance building. Unions will have to build, among those allies and even among their own ranks, an awareness of why getting a contract rather than just getting a certificate is the minimum need for union building. We must copy from and catch up to our Canadian counterparts.

This prescription may sound suspiciously like single issue politics. While single issue political programs have generally and correctly been frowned upon by the sophisticated, there is one circumstance where a single issue approach is understandable and legitimate. That issue is survival.

My grandfather was a refugee from czarist pogroms. For the rest of his life his primary question regarding any political program or candidate was: "Is it good or bad for the Jews?" I consider his attitude perfectly proper. Of course that measuring rod doesn't always provide easy answers. Not every candidate or party proclaiming "some of my best friends are Jews " is best for Jews. Not every Jewish candidate is automatically superior -- even by the "is it good for the Jews" yardstick -- to every non-Jew.

Nevertheless, when the issue is survival, a single yardstick by which all other issues are measured, a single non-rose-colored lens through which all candidates are examined, a single bottom line under which all costs and benefits are totalled, is legitimate. So let it be with labor.

What shall it profit our movement if we raise the minimum wage and lower our membership ranks? Of what avail a textile quota bill if the resultant work does not go to any of our members? Is it really better to have an "American made" Nissan than a foreign, 100 percent union built, Volvo?

Of course we'll continue to support minimum wage laws. Of course we'll continue to make alliance with other democratic forces. But we must continually make the point -- to allies, to legislators but mostly to ourselves -- that without a viable labor movement there is no progressive legislation possible, indeed, no democracy.

A great political strategy theory is found in Rabbi Hillel's: "If I am not for myself than who shall be for me?" Of course, Hillel continues: "If I am for myself alone, wherefore am I." But there is no question which comes first -- survival comes first. Significantly the Rabbi concludes his philosophical question/statement with the very pragmatic: "If not now, when?"

For ourselves and for our society's sake the labor movement must become overtly single issue oriented. Survival is a moral imperative. The rate of decline must not only be halted, it must be reversed. This will require a radical change in our political perspective in order to create the atmosphere for passage of the minimum necessary legislation. The socio-political atmosphere change must precede what will then be institutionalized in law and its enforcement. It was thus in the '30s. It must be thus in the '90s.

This means, to be "perfectly clear," that it would have been valueless to have elected Dukakis. Membership erosion (which is the only measure of the movement's aliveness) would continue -- and there would be no Bush to bash and blame. Credibility would be lesser.

Let's remember our founding father, Sam Gompers, and reward only our friends -- and make clear what we mean by friendship. In the 1988 election in my state of Pennsylvania, Republican Senator John Heinz sought and got many union endorsements. But Lynn Williams, from the vantage of his Canadian experience, gave Heinz a litmus test; he demanded a commitment to a vote for cloture when our labor reform bill came up. Heinz choked. He didn't get the Steelworkers and therefore didn't get Pennsylvania AFL-CIO support.

How much hard and soft money did unions spend on the candidacy of a presidential candidate who eschewed the "L" word -- "Labor"? (I don't know, but when I was spending union bucks on politics I didn't know or want to know how much we were spending, beyond what we had to report.) Jim Hightower estimates that it was $20 million.

Had Bentsen and partner been elected we would not have gotten these minimally necessary labor law reforms -- absent which there is no chance of regaining the critical mass essential for survival. We wouldn't have gotten the legislation we need because our minimum needs are greater than what even we are ready to campaign for. That's the bad news.

The good news is that we have begun to look at Canada, the nation that is home to a growing membership fraction in many internationals, the nation that copied the Wagner Act a decade late but went on to give meaning and power to its message, the nation whose labor movement is proportionately two and a half times our size. (It is important and fair to note that Canadian organizers superior success does not mean that they are better

organizers. To the contrary, the possibility of winning recognition with a mere card check has saved them from having to learn the innovative tactics widely used by the best US organizers.)

What the Executive Council and the whole movement (which means us too) needs to direct its attention to is how to get comparable legislation and enforcement in the United States. Now is the time to examine carefully and consider seriously whether and how Canadian labor's political strategy can be translated so that it can apply in the US political/constitutional context. Beginning in the 1940s and maturing in the 1960's, Canadian labor moved from alliance with and dependence upon mainstream parties toward building a fundamentally different political movement, even at the cost of losing a particular election. Recognizing that the third party route is almost automatically aborted in our presidential rather than parliamentary system does not necessarily lead to dismissal of the idea.

What it does lead to is the need for some idea, for some strategy other than "we've always done it that way." High political strategy -- the fine art of interpretation -- is occupying the Monday morning quarterbacks in the Democratic Party and in the unions. The theorizing and arguments are intense. Should the Party move to left or right? To darker or lighter? To poorer or richer? To the West or to the South?

I confess, I don't know and I can't prove which way will win the most votes for the Ds. But I don't care if they win -- I care if we win. And we won't win if we don't get radical labor law reform. We can't win what we need for survival unless we work for a platform that pledges itself to our principles.

We don't need a third party but we do need a political program like the Canadian labor movement's. We need a strategy which is going where the work force will be growing. The workforce increasingly will be made up of what has been referred to in recent years as the "protected classes" -- Blacks, Hispanics, the Disabled and, of course, Women.

A strategy which takes into account that changing situation was projected by Machinist Union President Winpisinger in Atlanta. In nominating a man who couldn't win -- but nominating him anyway because his '88 campaign had shifted from a primarily racial to a primarily class focus -- Winpisinger looked beyond '88 to a long term strategy for changing the situation confronting labor. Just as racial division has long been a key to US labor's weakness, the alliance of black, labor and other groups symbolized by the term "Rainbow Coalition" projects the possibility of that fundamental change in political power which is a precondition to major labor law reform. It was of just such a coalition that Canadian labor made itself a centerpiece as it participated in organizing the New Democratic Party a generation ago. It was just such a coalition that rallied behind an AFL-CIO call for

mobilization in the Solidarity Day March in Washington in 1981. It was just such a coalition which led Franklin Roosevelt to say, "Clear it with Sidney" in 1944 and which led John Kennedy to solicit David Dubinsky's endorsement of Kennedy's Texan in 1960.

US union leaders know that the best chance of successfully organizing a company lies in targeting a workforce with significant minority composition. Might not a similar strategy pay off in the political arena?

Might it happen? When? When the time is ripe. Bush, and forces beyond his control, may ripen it. Whenever it comes we must be ready to seize the opportunity. We won't be if we don't have a platform.